

REMARKS

Claims 1-25 and 27 are pending in this application. By this Amendment, claims 1, 5 and 14-21 are amended, claim 27 is added and claim 26 is cancelled without prejudice or disclaimer. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 1-17 and 19-20 under 35 U.S.C. §103(a) over U.S. Patent 6,317,609 to Alperovich et al. (hereafter Alperovich) in view of U.S. Patent 6,374,112 to Widegren et al. (hereafter Widegren) and U.S. Patent 6,061,566 to Friman. The Office Action also rejects claim 18 under 35 U.S.C. §103(a) over Alperovich, Widegren, Friman and further in view of U.S. Patent 6,493,553 to Rollender. Still further, the Office Action rejects claims 21-25 under 35 U.S.C. §103(a) over Alperovich in view of Widegren. Finally, the Office Action rejects claim 26 under 35 U.S.C. §103(a) over Alperovich, Widegren and Rollender. The rejections are respectfully traversed.

Independent claim 1 recites transferring bearer information between an origination base station controller (BSC) and a termination BSC through the set up call to set up a bearer path between the origination and termination BSC. Independent claim 1 further recites the bearer information being transferred using control paths between the origination BSC, the termination BSC and a mobile switching center (MSC) controlling the origination and termination BSCs. Independent claim 1 further recites transferring real time video data of at least one of the origination side mobile station and the termination side mobile station between the origination

BSC and the termination BSC through the set up bearer path without using traffic resources of the MSC.

The applied references do not teach or suggest all these features of independent claim 1. The Office Action states that Alperovich does not teach to transfer real time video data through a set up bearer path. The Office Action then asserts that Widegren teaches transferring video data through an established bearer channel. The Office Action further states that Alperovich and Widegren do not teach to transfer real time video data through the set up bearer path without using traffic resources of the MSC. The Office Action then relies on Friman to show avoiding using traffic resources of the MSC by directly switching between two base stations.

However, the alleged combination of references, even if possibly made, still does not teach or suggest all the features of independent claim 1. More specifically, none of the references (including Widegren) teaches or suggests bearer information being transferred using control paths between the origination BSC, the termination BSC and a mobile switching center (MSC) as recited in independent claim 1. There also is no suggestion for how Widegren's RAN network may be combined with Alperovich so as to reach these features. That is, Alperovich has no suggestion for Widegren's bearer channels using a Universal Mobile Telephone System (UMTS) or a radio access network (RAN). Also the applied references (including Widegren) do not teach or suggest "transferring bearer information . . . to set up a bearer path between the origination and termination BSC" as recited in independent claim 1.

Additionally, there is no motivation to combine Friman as alleged in order to reach the features of independent claim 1. That is, Alperovich and Widegren do not suggest “transferring real time video data . . . through the set up bearer path without using traffic resources of the MSC” as recited in independent claim 1. While Friman may disclose switching network connections between base stations, this does not suggest features relating to a set up bearer path. There is no suggestion for this feature from the combination of references since Widegren’s UTRAN and RAN are different than Friman’s switching between base stations. Accordingly, none of the applied references teaches or suggests transferring real time video data through a set up bearer path without using traffic resources of the MSC.

Applicant also respectfully submits that the Office Action relies on impermissible hindsight in order to make the alleged combination. Clearly the Office Action has used the Applicant’s own specification in order to provide the motivation to combine these separate references. The Office Action also clearly “picks and chooses” select features from each of the references without regard to how those features are respectively used within the individual reference. In particular, the Office Action suggests modifying an Alperovich/Widegren combination to include avoiding using traffic resources of the MSC by directly switching a network base station. The Office Action’s alleged motivation is “to decrease the total delay of the transmission link.” Applicant respectfully submits this motivation is insufficient and without basis as it would expressly destroy the purposes of Alperovich (and Widegren). Friman’s switching cannot be simply combined into other references as alleged. Rather, Friman’s

teachings are very specific and cannot be used without an understanding of the environment in which it is used. In view of the above, the alleged combination is improper and should be withdrawn at least for this reason.

For at least the reasons set forth above, the applied references do not teach or suggest all the features of independent claim 1 and/or fail to make a *prima facie* case of obviousness with respect to independent claim 1. Accordingly, independent claim 1 defines patentable subject matter at least for this reason.

Each of independent claims 14, 20 and 21 defines patentable subject matter at least for similar reasons. That is, independent claim 14 recites that bearer information is transferred between the origination BSC and the termination BSC through a bearer path between the origination and termination BSCs, which is set up using control paths between the origination BSC, the termination BSC and a mobile switching center (MSC) controlling the origination and termination BSC, the control paths being different than the set up bearer path. Independent claim 14 further recites that real time video data of at least one of the origination side mobile station and the termination side mobile station is transferred between the origination BSC and the termination BSC through the set up bearer path without using traffic resources of the MSC.

The applied references do not teach or suggest these features of independent claim 14 for at least the reasons as set forth above. Additionally, the applied references do not teach or suggest that the control paths are different than the set up bearer path as recited in independent claim 14. The Office Action appears to allege that Alperovich relates to the claimed control

channel, and that it would have been obvious to modify Alperovich to include the features relating to the claimed set up bearer path. However, there is no suggestion for modifying Alperovich's system to include the claimed bearer path in which the control paths are different than the set up bearer path, as recited in independent claim 14. Thus, independent claim 14 defines patentable subject matter at least for this reason and/or the reasons set forth above.

Independent claim 20 defines patentable subject matter for at least similar reasons. That is, independent claim 20 recites bearer information is transferred between the origination BSC and the termination BSC through a bearer path, which is set up between the origination and termination BSCs using control paths between the origination BSC, the termination BSC and the MSC, the control paths being different than the set up bearer path. Independent claim 20 further recites that the real time video data of at least one of the origination and termination mobile stations is transferred between the origination BSC and the termination BSC through the set up bearer path without setting up a traffic path through the MSC. The applied references do not teach or suggest these features for at least the reasons as set forth above. Thus, independent claim 20 defines patentable subject matter.

Independent claim 21 also defines patentable subject matter for at least similar reasons. That is, independent claim 21 recites transferring bearer information along control paths between an origination base station controller (BSC) and a termination BSC through the set up call to set up a bearer path between the origination and termination BSC. Independent claim 21 further recites that portions of the control paths being different than the bearer path.

Independent claim 21 still further recites transferring real time video data of at least one of the origination side mobile station and the termination side mobile station between the origination BSC and the termination BSC through the set up bearer path. Independent claim 21 additionally recites sending a request from the origination BSC to the MSC along one of the control paths for Connection Management service carrying required information, sending a request from the MSC to the termination BSC along one of the control paths for the termination number for a call, and transferring bearer information of the termination BSC to the origination BSC along the control paths, and transferring a response to the bearer information from the origination BSC to the termination BSC, to form the bearer path. For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 21. That is, the applied references do not teach or suggest features relating to the control paths and the bearer path including portions of the control path being different than the bearer path.

For at least the reasons set forth above, each of independent claims 1, 14, 20 and 21 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

Serial No. 09/960,359
Reply to Office Action dated June 3, 2005

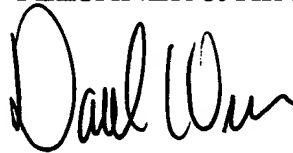
Docket No. K-0262

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-25 and 27 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:DCO/krf
Date: September 2, 2005

Please direct all correspondence to Customer Number 34610